

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN M. BLOUNT,)
Petitioner) Civil Action
v.) No. 13-cv-02838
JOHN E. WETZEL, Secretary,)
Pennsylvania Department of)
Corrections; and)
MICHAEL WENEROWICZ, Superintendent)
of the State Correctional)
Institution at Graterford,)
Respondents)

O R D E R

NOW, this 27th day of February, 2015, upon
consideration of the following documents:

Petition Under 28 U.S.C. § 2254 for Writ of
Habeas Corpus by a Person in State Custody, filed
by petitioner pro se on June 26, 2013;

Response to Petition for Writ of Habeas Corpus,
which response was filed by respondents on
November 25, 2014, together with

Exhibit A, Docket entries for Commonwealth v.
Blount, Court of Common Pleas of Philadelphia
County Docket No. CP-51-CR-0124901-1990;

Exhibit B, Memorandum Opinion, Superior Court
of Pennsylvania No. 2145 Eastern District
Appeal 2008 filed November 10, 2009; and

Report and Recommendation of United States
Magistrate Judge M. Faith Angell dated
December 16, 2014 and filed December 17, 2014;

it appearing that no objections have been filed to the Report and Recommendation of Magistrate Judge Angell;¹ it further appearing after review of this matter that Magistrate Judge Angell's Report and Recommendation correctly determined the legal and factual issues presented in the petition for habeas corpus relief,

IT IS ORDERED that Magistrate Judge Angell's Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that the petition for habeas corpus relief is stayed and held in abeyance pending exhaustion of petitioner's Post-Conviction Relief Act (PCRA) petition in Pennsylvania state court.

IT IS FURTHER ORDERED that the Clerk of Court shall place this case in civil suspense.

IT IS FURTHER ORDERED that respondents shall notify the undersigned in writing every 60 days concerning the status of the Pennsylvania state-court litigation of petitioner's Post-Conviction Relief Act (PCRA) petition.

¹ Petitioner received a Notice accompanying the Report and Recommendation stating that petitioner was required to file any objections to the Report and Recommendation within fourteen days of service of the Notice and filing of the Report and Recommendation pursuant to Rule 72.1(IV)(b) of the Local Rules of Civil Procedure for the United States District Court for the Eastern District of Pennsylvania. The Notice was served and the Report and Recommendation was filed on December 17, 2014. Thus, any objections were required to be filed on or before December 31, 2014.

As of the date of this order, petitioner has not filed any objections to the Report and Recommendation.

IT IS FURTHER ORDERED that because petitioner has not met statutory requirements to have his case heard, and no reasonable jurist could find this procedural ruling debatable, a certificate of appealability is denied.

IT IS FURTHER ORDERED that petitioner and respondents shall notify this court within 30-days of the conclusion of the Pennsylvania state court litigation of petitioner's PCRA petition.

BY THE COURT:

/s/ JAMES KNOLL GARDNER
James Knoll Gardner
United States District Judge